

**CITY OF SHOREVIEW  
MINUTES  
REGULAR CITY COUNCIL MEETING  
March 16, 2009**

**CALL TO ORDER**

Pursuant to due call and notice thereof, a regular meeting of the Shoreview City Council was called to order by Mayor Martin on March 16, 2009, at 7:00 p.m.

**PLEDGE OF ALLEGIANCE**

The meeting opened with the Pledge of Allegiance to the flag.

**ROLL CALL**

The following members were present: Acting Mayor Withhart; Councilmembers Huffman, Quigley and Wickstrom.

Mayor Martin was absent.

**APPROVAL OF AGENDA**

MOTION: by Councilmember Wickstrom, seconded by Councilmember Quigley to approve the March 16, 2009 agenda as submitted.

ROLL CALL: Ayes - 5 Nays - 0

**PROCLAMATIONS AND RECOGNITIONS**

There were none.

**CITIZEN COMMENTS**

**Mr. Todd Sharkey**, 1003 5<sup>th</sup> Street, Stillwater, distributed copies of a letter he sent to the City. Acting Mayor Withhart informed Mr. Sharkey that neither the Council nor staff would discuss the letter with him at this time. Mr. Sharkey insisted on asking questions and Acting Mayor Withhart ruled him out of order.

**Mr. Robert Higgins**, 951 Oakridge, stated that while Shoreview has been talking about not receiving state aid, many other communities have made a lot of cuts, such as pay freezes and delaying large purchases. He believes the Council needs to go to the politicians and demand the city's money back instead of paying for the unfunded mandates that are imposed by the state.

**COUNCIL COMMENTS****Acting Mayor Withhart:**

The Tenth Run and Romp event will be Saturday, April 25, 2009, at the Commons Park Pavilion. This event is sponsored annually by the Arden Hills/Shoreview Rotary Club to help the Ramsey County Canine Foundation and youth scholarships. Those interested can register with the Park and Recreation Department.

The Shoreview Northern Lights Variety Band will hold its Spring Concert on Saturday, April 18, 2009, at Benson Great Hall at Bethel University at 7:00 p.m. Tickets are available online.

Spring Cleanup Day will be Saturday, May 2, 2009, from 8:00 a.m. to 4:00 p.m. This is an opportunity to dispose of refuse items that haulers normally will not take.

The Shoreview Garden Club will meet at the Community Center on March 18, 2009, at 7:00 p.m. There will be a special speaker, and there is an \$8.00 fee to attend.

**Councilmember Wickstrom:**

Cleanup Day is a good opportunity to get rid of old electronics--TVs and computers.

The Ramsey County League of Local Governments will meet March 26, 2009, at 7:00 p.m. at Arden Hills City Hall. The meeting will be about enhancing partnerships and how to do more with less during this time of cutbacks.

The Environmental Quality Committee is hosting its last public meeting on environmental issues, "Building Your Own Rain Barrel." This class will be April 8, 2009, at the Maintenance Center. Anyone interested needs to register in advance, as there is limited space. There will be a charge for the materials.

**CONSENT AGENDA**

MOTION: by Councilmember Huffman, seconded by Councilmember Wickstrom to adopt the consent agenda of March 16, 2009, approving the necessary motions and resolutions:

1. February 9, 2009 City Council Workshop Meeting Minutes
2. March 2, 2009 City Council Meeting Minutes
3. Receipt of Committee/Commission Minutes:
  - Environmental Quality Committee, December 29, 2008
  - Environmental Quality Committee, January 27, 2009
  - Bike and Trails Committee, February 5, 2009
  - Environmental Quality Committee, February 23, 2009
  - Snail Lake Improvement District Board, March 3, 2009

- Bike and Trails Committee, March 5, 2009
- 4. Monthly Reports:
  - Administration
  - Community Development
  - Finance
  - Public Works
  - Park and Recreation
- 5. Verified Claims in the Amount of \$710,078.20
- 6. Purchases
- 7. Approval of Ordinance Amending Exhibit B, Administrative Fee Schedule
- 8. Award of Quote - Network Visualization Software
- 9. Award of Quote - Network Visualization Hardware
- 10. Intent to Bond Declaration for Project Costs
- 11. Authorization to Conduct Excluded Bingo at Island Lake School.

ROLL CALL:           Ayes - 4                      Nays - 0

## **PUBLIC HEARING**

### **AUTHORIZATION TO PREPARE PLANS AND SPECIFICATIONS - WOODBRIDGE ST. NEIGHBORHOOD ROAD RECONSTRUCTION , CP 09-20**

#### **Presentation by Assistant City Engineer Tom Wesolowski**

This is a project to reconstruct the streets located off the northeast corner of Lake Owasso: Woodbridge Street, Jerrold Avenue, Edgewater Avenue, Soo Street, Owasso Lane East, and make utility improvements along Rice Street north and south of Owasso Lane East. These are rural sections of road that are in poor condition with no curb and gutter. There is no water main along Owasso Lane East or Rice Street north and south of Owasso Lane. Sanitary sewer is not available to two properties on Rice Street. The proposed improvements would include new roads, installation of a water main, repair of the sanitary sewer and provide sanitary sewer access to two properties. It is recommended that the new road sections would include a concrete barrier style curb and gutter.

Comments from two neighborhood meetings identified several issues of residents: 1) drainage concerns, 2) the impact of runoff to Lake Owasso, 3) road width; and 4) preference for surmountable curb. This project will eliminate direct runoff to Lake Owasso. General consensus was reached for 24-foot wide roads except for Owasso Lane East which will be 18 feet.

This is an established neighborhood where all homes and driveways are already constructed. The barrier style curb is recommended because it would catch more water for draining through the pervious concrete surface of the road. Also, it creates an easy path for snow plowing. The concrete pervious road surface reduces subsurface disturbance, lessens the construction time, and eliminates a direct discharge to Lake Owasso. The soil is sand with a flat topography, which will infiltrate well.

Estimated costs are:

Street	\$653,300
Water Main	\$ 83,000
Sanitary Sewer	\$ 25,600
Storm Sewer	\$678,500

Total Estimated Cost: \$1,440,400

Staff also studied an alternative that would use a standard asphalt street with concrete curb and gutter. Storm water would be handled by standard catch basins and storm water piping that would allow the water to infiltrate. Although the cost estimate for this alternative was about \$100,000 less than the pervious concrete option, the estimated cost over the life cycle of the street is about the same. In addition, there would still need to be a direct discharge to Lake Owasso.

Estimated assessments are the same for either alternative:

Street	\$1,557/unit
Surface Water Fund	\$1,120/unit (maximum)
Water Main to 11 units	\$5,000/unit
Sanitary Sewer to 2 units	\$6,000/unit

Assessments consist of approximately 15% of the project costs. Assessments over \$5,000 can be paid back over a 15-year period. Funding sources for the majority of the project costs will come from the Street Renewal Fund, Water Fund, Sanitary Sewer Fund, and Storm Sewer Fund.

Should the project proceed, the schedule would be to award a contract May 18, 2009; start construction June 1, 2009; and complete the project in September 2009.

City Attorney Schmidt stated that she has reviewed the affidavit of publication and affidavit of mailing for the public hearing, which is now in order.

Acting Mayor Withhart opened the public hearing at 7:25 p.m.

**Mr. Les Hassler**, 3249 Woodbridge, stated that he supports the project but has some aesthetic issues. Upon reviewing the Municipal Code, Section 202.070, curbing is to meet the specification of Mn/DOT, which is the barrier style curb. However, other neighborhoods, such as Horseshoe Drive, have been allowed to have surmountable curbs. In a survey of residents (Mr. Hassler distributed copies) an overwhelming 84% prefer the surmountable style curb. The neighborhood has a rural atmosphere and the surmountable curb would blend in. Reflectors could be posted to guide snowplows. Snowplows have a harder time when streets are curved. The streets in the Woodbridge neighborhood are straight. Residents prefer the surmountable curbs in order to more easily access their yards to park boats or pick up yard waste. Also, the neighborhood is older. There will be houses that will be torn down and rebuilt. Driveways may change and a surmountable curb would allow flexibility for these changes. A surmountable curb

will make it easier for the City to service the sanitary sewer. The topography is flat with sandy soil so there would be little or no erosion. For these reasons, he would ask the Council to support the neighbors in their request for a variance for the curb style. East Owasso Lane was originally 15 feet wide; Woodbridge 22 feet wide. The survey shows 76% support the 24-foot width on Woodbridge. Although the spokesperson for East Owasso Lane is not present, he reported that a survey of that neighborhood shows that 33% prefer the 18-foot width. The majority of residents on the north portion of East Owasso Lane prefer the 24-foot width.

**Mr. Scott Halstead**, 3271 Woodbridge, expressed concern about using pervious concrete for the road. He went to Owasso Heights to look at the alley that was done with pervious concrete and found numerous cracks and debris in the surface. He is also very concerned about the rough walking surface, as there are no sidewalks. He asked how these streets will be cleaned of salt that will penetrate through to ground water. Will the City invest in the proper equipment for maintenance? He would prefer the barrier style curb and wider streets. He would like to see removal of the two turnarounds at the location where Woodbridge dead-ends because cars and boats have been parking there.

**Mr. Eric Linck**, 3241 Woodbridge, stated that he also walked the alley in Owasso Heights, which has seven or eight cracks after only a year. He asked if the life cycle of this material will hold up.

**Ms. Chris Shake**, 217 Owasso, asked the Council to consider burying the utility poles.

**Mr. Barry Peterson**, 180 Jerrold, stated that the sandy soil in the area drains really well. He would prefer the surmountable curbs so the neighborhood does not look like a development but would keep its rural look.

**Scott Erwin**, 176 East Owasso Lane, stated that his concern is signage. He does not want to see NO PARKING signs up and down the streets. Neighbors can police themselves. If necessary, a stripe could be painted on one side where parking is allowed.

MOTION: by Councilmember Quigley, seconded by Councilmember Wickstrom to close the public hearing at 7:49 p.m.

ROLL CALL:           Ayes - 4                   Nays - 0

Staff responded to the issues raised by residents. Mr. Maloney stated that although there are surmountable curbs in various areas of the City, it is the general position of staff that the barrier style curb solves more problems than it causes. A diagram of three types of curbs was shown—the barrier style and two types of surmountable curbs. The style of surmountable curb used in Brigadoon was replaced with the barrier style because of neighborhood complaints driving over the bump of the curb. Surmountable curbs that would be used are rounded and cars can drive over them without difficulty if the driveway grade does not slope down. Barrier curbs stop at the driveway and an apron is put in for a nice transition to the driveway. It has been found that barrier curbs better retrofit to existing driveways.

Councilmember Huffman asked the difference of the two styles of curb and how they would work with pervious cement. Mr. Maloney stated that the barrier curb rises 6 inches above the gutter. The surmountable curb rises 4 inches. From an engineering perspective, the taller curb would be preferable. The difference of 6 inches and 4 inches would be a one in ten-year event. Pervious concrete is a new technology that was developed in response to issues of water quality, which will be an ongoing issue. One of the cracks in the Owasso Heights alley occurred the first year. The soils in the Woodbridge neighborhood are free draining. In Owasso Heights the soil is clay. Maintenance of this type of roadway will be different. Salt is an obvious issue in winter. The City no longer uses sand and salt is not used on pervious concrete. It is not needed to keep the pavement clear. Special equipment needed is a regenerative air street sweeper. The City has been borrowing equipment to use on the Owasso Heights alley. The City's Capital Improvement Plan (CIP) has a schedule to purchase a regenerative sweeper within the next few years.

Mr. Schwerm added that the reason a regenerative air sweeper is in the CIP is not just because of use of porous concrete. There are also new standards for street sweeping. Mr. Maloney stated that the new standards require pickup of fine materials from roadways to prevent it from draining into ponds, streams and lakes.

Councilmember Wickstrom asked for a comparison how the alley was built with porous concrete and how the proposed project will be done. Mr. Maloney stated that staff has learned from the Owasso Heights alley project. The thickness of the proposed road is 7 to 7.5 inches. The alley is 6 inches. The crack in the middle of the Dale Street alley means that is a location where a joint should have been put in. This project will include a number of expansion joints.

Councilmember Huffman asked for further examples of the use of porous cement and the experience with it. Mr. Maloney stated that in the Midwest, most porous concrete has been used for parking lots or private driveways. The city of Minneapolis has been using it for several years. Mn/DOT is building test sites to develop specific data. Once the design of thickness and placement of joints is decided, it is a matter of maintenance. Staff has been working with a local mix supplier who has done several freeze/thaw experiments. The problems in Owasso Heights are not related to freeze/thaw issues but are a result of debris draining to the alley from some distance away. This will be avoided in the proposed project.

In regard to the turnarounds, Mr. Wesolowski explained that Woodbridge dead-ends at the Ramsey County Open Space where there is a gate entrance. The City owns right-of-way at that location and a turnaround is proposed for vehicles so as not to use private driveways.

If the street were to fail, Mr. Schwerm explained that residents would not be assessed again for a road project. It is the City's policy that assessments for new streets are only assessed once to residents.

Mr. Maloney stated that if the utility lines were to be buried, it would be totally at the resident's cost. The utility companies do not want buried utility lines and the cost is substantial to have it done.

As for NO PARKING signs, Mr. Schwerm stated that the curb could be painted yellow to indicate no parking, but that would disrupt the look of the neighborhood more than the signs. When signs are posted, staff attempts to work with residents and place them where they are least disruptive. Posting signs is the only way the Sheriff's Department can enforce no parking. Mr. Maloney added that the number of signs will depend on what the Sheriff's Department determines are needed for enforcement.

Councilmember Wickstrom asked what drainage problems would be created if surmountable curbs are used and water rises above them. Mr. Wesolowski responded that the underground storage system would account for less water with surmountable curbs. Barrier curbs would trap more water and give that extra safety.

Councilmember Huffman stated that with assurance that there will be no direct discharge into Lake Owasso, he will support using pervious concrete. He also supports surmountable curbs and a turnaround because it is needed. He would not support burying utility lines because of the cost.

Councilmember Quigley stated that he supports using pervious concrete. To not use a barrier curb would dilute the effect of needing water to stay in the roadway for pervious concrete to work. There is water all over that neighborhood, and there are 26 lake lots in the project.

Acting Mayor Withhart stated that both style curbs would direct water to the street. The surmountable curb would be less effective in a one in 10-year storm event. He asked if aprons can be built for driveways with surmountable curbs. Mr. Maloney stated that he would have to look at the individual driveways. Fitting driveways to a surmountable curb when the houses sit lower than the road is tricky and adds to the cost.

Councilmember Wickstrom asked if water will seep into the sanitary sewer. Mr. Wesolowski stated that there is very little sanitary sewer in the roadway in this neighborhood, and the portion that exists will be lined within a couple of years. Any infiltration will be minimal. She then asked if the surmountable curb would be at an angle for water to drain into the street and if that would raise the surmountable curb higher than 4 inches, which would be a greater bump to drive over. Mr. Wesolowski agreed that the height would be higher, between 4 and 5 inches. Mr. Maloney added that if the direction of the Council is to use surmountable curb, staff could design it to minimize the bump.

Councilmember Huffman stated that he would only support the surmountable curb style, unless there is a compelling reason they would not work.

Councilmember Wickstrom stated that if the surmountable curb is going to be tipped and there is only one-inch difference, there would not be much difference in appearance. She would support the barrier style for the reasons stated by staff.

Acting Mayor Withhart stated that he does not like surmountable curbs and believes many residents will not like it. With the surmountable curb tipped, it will be almost like a barrier style anyway. He would support staff's recommendation for the barrier style.

**MOTION:** by Councilmember Huffman, seconded by Councilmember Quigley to adopt Resolution No. 09-20 directing the preparation of plans and specifications and ordering the improvements for the Woodbridge Street Neighborhood Road Reconstruction, City Project 09-61, instructing the staff to design surmountable curbs where feasible.

**Discussion:**

Councilmember Quigley asked for clarification of where feasible. Councilmember Huffman amended his motion to state “if feasible.” He stated that he trusts staff to design a surmountable curb that will work.

Councilmember Wickstrom expressed her desire to tip the design toward the barrier style and asked if the final design will be voted on at the next meeting. Mr. Schwerm stated that this vote would be for a design using surmountable curbs. He added that the older style surmountable curb found in some areas is more problematic than the style more recently used in lake areas that would be used in this project.

**ROLL CALL:** Ayes: Huffman, Withhart, Quigley, Wickstrom  
Nays: None

## **GENERAL BUSINESS**

### **TEXT AMENDMENT - GRADING, EROSION AND SEDIMENT CONTROL**

#### **Presentation by Assistant City Engineer Tom Wesolowski**

The Minnesota Pollution Control Agency (MPCA) approved the City’s Surface Water Pollution Prevention Permit (SWPPP) in 2007 with the understanding that the City’s ordinances would be updated to comply with existing development standards relating to erosion and sediment control. Therefore, amendments are proposed to Section 203.035 Grading Permit; Section 203.080(B) Erosion Control Agreement and replacement of Section 209.040.

The amendments were presented to the Planning Commission and to the Environmental Quality Committee. Their comments were incorporated into the proposed draft. The Planning Commission held a public hearing on the proposed ordinance changes on February 24, 2009. No public comments were received.

The main changes to the ordinance is as follows:

#### **Section 203.035, *Grading Permit*:**

Changes in this section make it consistent with Section 209.040. Permitting thresholds are reduced. A permit is required in Shore and Bluff Impact Zones, when more than 5 cubic yards of soil is moved, or if 500 square feet or more is disturbed. The threshold is double these amounts



in other areas of the City. Language has been added for escrow and the City's ability to use that security for corrections not made in a timely manner.

**Section 209.040, *Soils, Slopes and Grading*:**

This section has been revised in its entirety to comply with requirements set by Minnesota Statutes. The new language includes definitions of terms and the requirement that sediment control plans must conform to City Code and accepted practices of the Minnesota Pollution Control Agency (MPCA). The Code will be consistent with applicable State Statutes for steep slopes and earth-sheltered construction. Practices and methods of erosion control appropriate to the site should be used. Standards are established for implementation, inspection, maintenance, management of construction waste and record keeping. Enforcement and penalties are included.

**Section 203.080(B), *Erosion Control Agreement*:**

The form used for erosion control on small residential projects is outdated. It is proposed that the formal full Erosion Control Agreement be used for all projects. It better outlines the applicant's responsibilities and the City's enforcement procedures. An escrow is required for land disturbance that can be used by the City to make sure the work is done properly.

**Section 212.020, *Building Permits*:**

This section adds the Erosion and Sediment Control Plan to the requirements for a building permit application.

Commissioner Proud, Chair of the Planning Commission, stated that the Planning Commission reviewed these amendments twice. He noted a housekeeping item on Page 3 of 13, paragraph (K)--if a permit expires, are there provisions that are beneficial to the City in the permit that should survive termination of the permit? Also, on Page 5 of 13, he suggested requiring applicants to submit calculations that go with the plans.

Mr. Schwerm stated that the question on paragraph K might apply more to major developments. In this instance the application is for changes in grade in a yard. Mr. Maloney added that the City holds a surety which gives the City leverage to assure the project is completed. Mr. Schwerm added that if the project were not completed, the escrow would not be released.

Acting Mayor Withhart asked staff to look at the language to see if further clarification is needed. If further amendments are needed, they can be brought back for approval.

Councilmember Wickstrom asked if submitting calculations should be added. Mr. Wesolowski responded that in reviewing applications, the City relies on a number of sources. There are rules in the Surface Water Management Plan that require designs and calculations to account for certain types of storms. Mr. Maloney noted that in large development staff is actively involved in the design. The projects that have been causing problems are when residents regrade their yards, stockpile soil that erodes into the street and storm sewer. This ordinance will address those issues.

Councilmember Quigley stated that these changes would bring obsolete portions of the Code into compliance with state and county regulations. Mr. Schwerm noted that lowering the threshold to get a permit is a City policy choice. The other changes are intended to conform to current policies, practices and guidelines in statutes.

Councilmember Wickstrom asked how residents would know to comply with these regulations. Mr. Wesolowski stated that there will be an education campaign, and this information will be on the website. Putting these ordinances in place allows staff the authority to inform residents who are not complying with City Code.

MOTION: by Councilmember Wickstrom, seconded by Councilmember Huffman to adopt Ordinance No. 845, revising Chapter 200 of the Municipal Code, including Section 203, Administration; Section 209, Environmental Standards and Section 212, Building and Fire Code, authorize publication of Ordinance Summary, and authorize use of the Erosion and Sediment Control Agreement. The ordinance establishes regulations for erosion and sediment control.

ROLL CALL: Ayes: Quigley, Wickstrom, Huffman, Withhart  
Nays: None

### **ADJOURNMENT**

MOTION: by Councilmember Quigley, seconded by Councilmember Huffman to adjourn the meeting at 9:28 p.m.

ROLL CALL: Ayes - 4 Nays - 0

Acting Mayor Withhart declared the meeting adjourned.

THESE MINUTES APPROVED BY COUNCIL ON THE 6<sup>TH</sup> DAY OF APRIL 2009.

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Terry C. Schwerm  
City Manager